IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5584 of 2005

Between:

Pochareddy Srihari Reddy S/o P. Ramana Reddy
R/o Nellore, Nellore District

... PETITIONER

AND

1 The District Collector, Nellore
2 The Revenue Divisional Officer, Nellore
3 The Mandal Revenue Officer, Muthukur Mandal

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in interfering and trying to disposes the petitioner from the land to an extent of Ac. 8.50cents in S. No. 318 of Epuru Bit-I Village, Nellore District as illegal, arbitrary and vaioltive of Article 14 and 300A of the Constitution of India and consequently direct hte respondents not to interfere with the possession and enjoyment of the land by the petitioner to an extent of Ac. 8.50 cents in S. No. 3`7 and 318of Epuru Bit-I Village, Nellore District the till disposal of the petition by the Second respondent in C.C. No. 2548/NLR/75 and CC No. 2559/NLR/75.

Counsel for the Petitioner: MR.M.SUBRAHMANYAM

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

The father of the petitioner who filed a declaration in C.C.No.2548/NLR/75 under the provisions of the A.P. Land Reforms (Ceiling on agricultural Holdings) Act, 1973 and the was declared as surplus holder to an extent of 0.8786 standard holding equivalent to Ac.8.50 cents. It appears that he filed a surrender statement proposing to surrender the land situated in Sy.No.317 and 292 of Epuru Bit-I Village and the same was accepted by order dated 29-06-2004. However, some of the purchasers of the said land from the petitioner's father filed an appeal against the said order dated 29-06-2004. The said Appeal-LRA No.10 of 1994 on the file of the Land Reforms Appellate Tribunal, was disposed of by judgment dated 16-01-2001 holding that the Government has to take the land which they wanted to surrender as per his surrender statement, unless there are encumbrances of it and directing that the possession of the appellants over the purchased land shall not be disturbed.

While so, the petitioner, who claims to be a minor at the time of declaration by his father, filed applications before the Land Reforms Tribunal, Nellore, to revise the orders in C.C.No.2548/NLR/75. Having entertained the said petition, the second respondent by notice dated 28-02-2005 informed the petitioner that the matter will be heard on 19-03-2005.

The only grievance of the petitioner in this writ petition is that while the said proceedings are pending on the file of the second respondent-Revenue Divisional Officer, at the insistence of the first respondent-District Collector the officials of the third respondent are threatening to dispossess the petitioner from the land in his possession in Sy.No.317 and 318 of Epuru Bit-I Village, on which there is a standing

crop of groundnut. Hence, this writ petition seeking declaration that the action of the respondents in trying to dispossess the petitioner from the land in question, as arbitrary an illegal.

I have heard the learned counsel for the petitioner, the learned Government Pleader for Revenue and perused the material on record.

As can be seen from the notice dated 28-02-2005 the matter stands posted for hearing before the Land Reforms Tribunal on
19-03-2005. Keeping in view the pendency of the proceedings and the assertion of the petitioner that all through he is continuing in possession of the land in question, I deem it appropriate to dispose of the writ petition with a direction to the second respondent-Revenue Divisional Officer to conclude the proceedings in C.C.No.2548/NLR/75 and C.C.No.2559/NLR/75, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order, following due process of law. Having regard to the facts and circumstances of the case there shall be a further direction that *status quo* obtaining as on today as to the nature and possession of the land in question shall be maintained for a period of six weeks from today.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 18-03-2005

Note: Furnish C.C. in a week.

B/o.

LSK

ASSISTANT REGISTRAR

To

1 The District Collector, Nellore
2 The Revenue Divisional Officer, Nellore
3 The Mandal Revenue Officer, Muthukur Mandal

4 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad. (OUT)

5 Two C.D. copies.